THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.9746 of 1996

Dated: 05.1.2007

Between:

The Divisional Forest Officer,
Nalgonda
And another.

… Petitioners

AND

Ch.Kashaiah,
Plantation Watcher,
And another.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.9746 of 1996

ORDER:-

This writ petition is filed questioning the award of the Labour Court-III, Hyderabad dated 7.4.1995 whereby it directed the petitioners herein to reinstate the first respondent with continuity of service and other benefits as admissible as per rules. The Labour Court however denied the first respondent back wages applying the principle 'no work no back wages'.

The first respondent was working as a Watcher in the petitioner's department. His services were terminated in the year 1980 and he raised an industrial dispute registered as I.D.No.47 of 1981 before the Labour Court which made an award on 6.10.1995 directing the petitioner to reinstate him with continuity of service with full back wages. Writ petition filed questioning the said award was dismissed and so was the Writ Appeal. The first respondent was later reinstated into service and the allegation of the first respondent made before the Labour Court was that in order to victimize him he was transferred from one place to another and eventually his services were terminated with effect from 1.11.1992. The claim of the first respondent was contested by the petitioners before the Labour Court. It was admitted before the

Labour Court that the petitioners, while retrenching the first respondent failed to comply with the provisions of Section 25F of the Industrial Disputes Act. On the basis of the said admission the Labour Court passed the award which is impugned in the present writ petition.

Heard the learned Government Pleader for Forest and none appeared for the first respondent in spite of service on him. The learned Government Pleader very fairly stated that since the finding recorded by the Labour Court to the effect that the provisions of Section 25F of the Industrial Disputes Act were not complied with, being a finding of fact, this Court exercising jurisdiction under Article 226 of the Constitution of India will not sit in appeal over such a finding of fact. Since no other legal issues arise for consideration in the writ petition, there is no reason to interfere with the award of the Labour Court as in the opinion of the Court, it does not suffer from any error of law or jurisdiction.

For the aforementioned reasons, the writ petition is dismissed.

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C.V.NAGARJUNA REDDY,J

Date:05.01.2007
mdaa